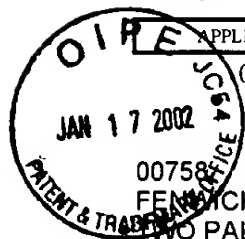




UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov



| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/939,206         | 08/24/2001          | James M. Gill         | 22725-05869            |

COPY OF PAPERS  
ORIGINALY FILED

00758  
FENNICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

CONFIRMATION NO. 3572

FORMALITIES LETTER



\*OC00000006574658\*

Date Mailed: 09/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$225.  
    ▪ \$225 for 25 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 645.

01/23/2002 RMC/AMM 10000000 10000000 00000000

01 FD:201  
02 FD:203  
03 FD:205

15.00 14

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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PATENT

A3

IN THE UNITED STATES

**PATENT AND TRADEMARK OFFICE**

APPLICANTS: James M. Gill *et al.*

APPLICATION NO.: 09/939,206

FILING DATE: August 24, 2001

TITLE: FREIGHT RATE MANAGER

EXAMINER: UNASSIGNED

GROUP ART UNIT: 2162

ATTY. DKT. NO.: 22725-05869

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, DC 20231, on the date shown below:

Dated: November 16, 2001

By:

Brian M. Hoffman, Reg. No. 39,713

BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated September 19, 2001 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration;
- ☒ an original, signed Power of Attorney or Authorization of Agent;
- ☐ an Application Data Sheet;

☒ payment in the amount of \$645.00 for the

☒ application filing fee;

☒ fee for additional claims; and

☒ missing parts surcharge.

☐ Other

☒ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,

JAMES M. GILL *et al.*

Dated: November 16, 2001

By: 

Brian M. Hoffman, Reg. No. 39,713

Attorney for Applicants

Fenwick & West LLP

Two Palo Alto Square

Palo Alto, CA 94306

Tel.: (415) 875-2484

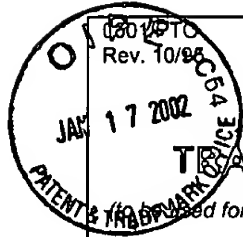
Fax: (415) 281-1350

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PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



|  |    |                        |                      |
|--|----|------------------------|----------------------|
| U.S. Department of Commerce<br>Patent and Trademark Office   |    | Application Number     | 09/939,206           |
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence during pendency of<br>filed application) |    | Filing Date            | August 24, 2001      |
|  |    | First Named Inventor   | James M. Gill et al. |
|  |    | Group Art Unit Number  | 2162                 |
|  |    | Examiner Name          | UNASSIGNED           |
| Total Number of Pages in This Submission   | 10 | Attorney Docket Number | 22725-05869          |

**ENCLOSURES (check all that apply)**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Check Enclosed   | <input type="checkbox"/> Issue Fee Transmittal  |
| <input checked="" type="checkbox"/> Return Receipt Postcard   | <input type="checkbox"/> Letter to Chief Draftsperson   |
| <input checked="" type="checkbox"/> Response to Notice to File Missing Parts  | <input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]                  |
| <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input checked="" type="checkbox"/> Declaration   | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Certified Copy of Priority Document(s)                               |
| <input type="checkbox"/> Application Data Sheet   | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input type="checkbox"/> Information Disclosure Statement & PTO-1449<br><input type="checkbox"/> Copies of IDS Cited References | <input type="checkbox"/>  |
| <input type="checkbox"/> Request for Corrected Filing Receipt   | <input type="checkbox"/>  |
| <input type="checkbox"/> Request for Correction of Recorded Assignment  | <input type="checkbox"/>  |
| <input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final                                | <input type="checkbox"/>  |
| <input type="checkbox"/> Status Request   | <input type="checkbox"/>  |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney  | <input type="checkbox"/>  |

REMARKS:

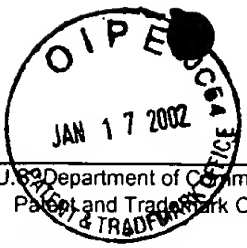
**SIGNATURE OF ATTORNEY OR AGENT**

|                    |                                   |                          |
|--------------------|-----------------------------------|--------------------------|
| Signature:         |                                   |                          |
| Attorney/Reg. No.: | Brian M. Hoffman, Reg. No. 36,713 | Dated: November 16, 2001 |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

|   |                  |                          |
|---|------------------|--------------------------|
| Signature:                              |                  |                          |
| Typed or Printed Name:                  | Brian M. Hoffman | Dated: November 16, 2001 |
| Express Mail Mailing Number (optional): |                  |                          |



CCNY 00175783  
C.N.

PTO/SB/17 (10-01)(modified)  
Approved for use through 09/29/01, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

|  |  |                          |                      |
|--|--|--------------------------|----------------------|
| 0002/PTO(modified)<br>Rev. 10/2000           | U.S. Department of Commerce<br>Patent and Trademark Office | <b>Complete if Known</b> |                      |
|  |  | Application Number       | 09/939,206           |
|  |  | Filing Date              | August 24, 2001      |
|  |  | First Named Inventor     | James M. Gill et al. |
|  |  | Group Art Unit           | 2162                 |
|  |  | Examiner Name            | UNASSIGNED           |
| <b>FEE TRANSMITTAL</b>                       |  | Attorney Docket Number   | 22725-05869          |
| <b>TOTAL AMOUNT OF PAYMENT</b>               |  |                          |                      |
| Subtotal (1) + Subtotal (2) + Subtotal (3) = |  | (\$) <b>645.00</b>       |                      |

| METHOD OF PAYMENT  |                              | FEE CALCULATION (continued)       |                              |  |           |
|--|------------------------------|-----------------------------------|------------------------------|--|-----------|
| <b>1. The Commissioner is hereby authorized to:</b>  |                              | <b>3. ADDITIONAL FEES</b>         |                              |  |           |
| <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.   |                              | Large Entity<br>Fee Code/Fee      | Small Entity<br>Fee Code/Fee | Fee Description  | Fee Due   |
| <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup> |                              | 105/\$130                         | 205/\$65                     | Surcharge - late filing fee or oath  | <b>65</b> |
| <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27   |                              | 127/\$50                          | 227/\$25                     | Surcharge-late provisional filing fee or cover sheet                       |           |
| Deposit Account Number: 19-2555  |                              | 147/\$2,520                       | 147/\$2,520                  | For filing a request for reexamination                                     |           |
| Deposit Account Name: FENWICK & WEST LLP   |                              | 115/\$110                         | 215/\$55                     | Extension for response within first month <sup>†</sup>                     |           |
| A Duplicate Copy of this authorization is attached   |                              | 116/\$400                         | 216/\$200                    | Extension for response within second month <sup>†</sup>                    |           |
| <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b>  |                              | 117/\$920                         | 217/\$460                    | Extension for response within third month <sup>†</sup>                     |           |
| <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other  |                              | 118/\$1,440                       | 218/\$720                    | Extension for response within fourth month <sup>†</sup>                    |           |
| <b>FEE CALCULATION (fees effective 10/01/2000)</b>   |                              | 128/\$1,960                       | 228/\$980                    | Extension for response within fifth month <sup>†</sup>                     |           |
| <b>1. FILING FEE</b>   |                              | 119/\$320                         | 219/\$160                    | Notice of Appeal   |           |
| Large Entity<br>Fee Code/Fee   | Small Entity<br>Fee Code/Fee | 141/\$1,280                       | 241/\$640                    | Petition to revive unintentionally abandoned application                   |           |
| 101/\$740  | 201/\$370                    | 142/\$1,280                       | 242/\$640                    | Utility Issue Fee (Or Reissue)   |           |
| 106/\$330  | 206/\$165                    | 143/\$460                         | 243/\$230                    | Design Issue Fee   |           |
| 108/\$740  | 208/\$370                    | 122/\$130                         | 122/\$130                    | Petitions to the Commissioner  |           |
| 114/\$160  | 214/\$80                     | 126/\$180                         | 126/\$180                    | Submission of Information Disclosure Statement                             |           |
| <b>SUBTOTAL (1) (\$)<b>355</b></b>   |                              | 179/\$740                         | 279/\$370                    | Request for Continued Examination (RCE)                                    |           |
|  |                              | 581/\$40                          | 581/\$40                     | Recording each patent assignment per property (times number of properties) |           |
|  |                              | 146/\$740                         | 246/\$370                    | Filing a submission after final rejection (37 CFR 1.129(a))                |           |
|  |                              | 149/\$740                         | 249/\$370                    | For each additional invention to be examined (37 CFR 1.129(b))             |           |
|  |                              | Other fee (specify):              |                              |  |           |
|  |                              | Other fee (specify):              |                              |  |           |
|  |                              | <b>SUBTOTAL (3) (\$)<b>65</b></b> |                              |  |           |

| 2. CLAIMS                    |                              | SUBTOTAL (2) (\$) <b>225</b>                            |  |  |  |
|------------------------------|------------------------------|---|--|--|--|
| Large Entity<br>Fee Code/Fee | Small Entity<br>Fee Code/Fee | Fee Description   |  |  |  |
| 103/\$18                     | 203/\$9                      | Claims in excess of 20                                  |  |  |  |
| 102/\$84                     | 202/\$42                     | Independent claims in excess of 3                       |  |  |  |
| 104/\$280                    | 204/\$140                    | Multiple dependent claim                                |  |  |  |
| 109/\$84                     | 209/\$42                     | Reissue independent claims over original patent         |  |  |  |
| 110/\$18                     | 210/\$9                      | Reissue claims in excess of 20 and over original patent |  |  |  |
|                              |                              | <b>SUBTOTAL (2) (\$)<b>225</b></b>                      |  |  |  |

| (Col. 1)   |                        | (Col. 2) |                                 | (Col. 3) |         |   |     |
|--|------------------------|----------|---------------------------------|----------|---------|---|-----|
| For  | No. of Existing Claims | minus*   | Highest No. Previously Paid For | =        | Extra** | x | Fee |
| TOTAL  | 45                     | minus*   | 20 or 0                         | =        | 25      | x | 9   |
| INDEP  | 3                      | minus*   | 3 or 0                          | =        | 0       | x | 42  |
| [ ] First presentation of multiple dependent claim |                        |          |                                 | =        |         |   |     |

\* Subtract the greater number of Col. 2  
\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

|                       |                  |                                 |                   |
|-----------------------|------------------|---------------------------------|-------------------|
| <b>SUBMITTED BY</b>   |                  | <b>Complete (if applicable)</b> |                   |
| Typed or Printed Name | Brian M. Hoffman | Reg. Number                     | 39,713            |
| Signature             |                  | Date                            | November 16, 2001 |

<sup>†</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby.